

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Terrance A. McCants,)	Civil Action No.: 8:10-cv-00789-RBH
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden M.M. Mitchell,)	
)	
Respondent.)	
_____)	

This matter is before the court with Petitioner's [Docket Entry 12] "Request to Withdraw 28 U.S.C. § 2241 Motion" filed on April 23, 2010.¹ In his motion, Petitioner states that he "move[s] this honorable court to grant this Motion to Withdraw, so petitioner can properly file a 28 U.S.C. § 2255 motion in the appropriate court." *Id.* at 1. The court hereby **GRANTS** Petitioner's motion and this § 2241 is **DISMISSED** *without prejudice*.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

April 27, 2010
Florence, South Carolina

¹ Filing date under *Houston v. Lack*, 487 U.S. 266 (1988) (stating that a prisoner's pleading is filed at the moment of delivery to prison authorities for forwarding to district court).